Case 09-41512 Doc 1 Filed 10/31/09 Entered 10/31/09 20:25:59 Desc Main B1 (Official Form 1) (1/08) Document Page 1 of 6

United States Bankruptcy Court Northern District of Illinois					Volu	ntary Petition
Name of Debtor (if individual, enter Last, First, Middl Moncur, Viktorija	e):	Name of Jo	oint Debtor	(Spouse) (Last, First,	Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):  Viktorija Budzilaite	S			by the Joint Debtor in den, and trade names)		years
Last four digits of Soc. Sec. or Individual-Taxpayer I.I EIN (if more than one, state all): <b>8013</b>	D. (ITIN) No./Complete		igits of Soc ore than one		axpayer I.D.	. (ITIN) No./Complete
Street Address of Debtor (No. & Street, City, State & 4731 Saint Joseph Creek Road Apt. 5I	Zip Code):	Street Add	ress of Join	t Debtor (No. & Stree	t, City, State	e & Zip Code):
I	ZIPCODE <b>60532</b>				Z	IPCODE
County of Residence or of the Principal Place of Busin <b>DuPage</b>	ness:	County of	County of Residence or of the Principal Place of Business:			
Mailing Address of Debtor (if different from street add	dress)	Mailing Ad	Mailing Address of Joint Debtor (if different from street address):			
		ZIPCODE				
Location of Principal Assets of Business Debtor (if dif	ferent from street address	above):				
					Z	IPCODE
Type of Debtor (Form of Organization) (Check one box.)  ✓ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form.  Corporation (includes LLC and LLP)  Partnership  Other (If debtor is not one of the above entities, check this box and state type of entity below.)  Filing Fee (Check one box.)  ✓ Full Filing Fee attached  Filing Fee to be paid in installments (Applicable to attach signed application for the court's consideratic is unable to pay fee except in installments. Rule 100 3A.	(Check   Health Care Busines   Single Asset Real E. U.S.C. § 101(51B)   Railroad   Stockbroker   Commodity Broker   Clearing Bank   Other   Tax-Exer (Check box, Debtor is a tax-exen Title 26 of the Unite Internal Revenue Commodity Broker   Check box, Debtor is a tax-exen   Chec	npt Entity if applicable.) apt organization d States Code (tide).  Check one Debtor i Debtor i Check if:	under he box: s a small box s not a smal	the Petition  ✓ Chapter 7  Chapter 9  Chapter 11  Chapter 12  Chapter 13  ✓ Debts are primarily debts, defined in 1 \$\frac{1}{8}\$ 101(8) as "incurr individual primarily personal, family, on hold purpose."  Chapter 11 Eusiness debtor as definall business debtor as definall noncontingent liquidation \$2,190,000.	n is Filed (C  Chapter Recogn Main Chapter Recogn Nonr  Nature of Defense of U.S.C. Red by an year of the property of the prop	box.) Debts are primarily business debts.  S.C. § 101(51D). U.S.C. § 101(51D).  wed to non-insiders or
Filing Fee waiver requested (Applicable to chapter attach signed application for the court's consideration	A plan i Accepta	Check all applicable boxes:  A plan is being filed with this petition Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).				
Statistical/Administrative Information  ☐ Debtor estimates that funds will be available for di ☐ Debtor estimates that, after any exempt property is distribution to unsecured creditors.			id, there wi	ll be no funds availabl	e for	THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors		10,001- 25,000	25,001- 50,000	50,001- 100,000	Over 100,000	
	00,001 to \$10,000,001 million to \$50 million	\$50,000,001 to \$100 million	\$100,000, to \$500 m	.001 \$500,000,001 iillion to \$1 billion	More than \$1 billion	
Estimated Liabilities	00,001 to \$10,000,001	\$50,000,001 to			More than	

Location Where Filed: <b>None</b>	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner or	Affiliate of this Debtor (If mo	re than one, attach additional sheet)
Name of Debtor: None	Case Number:	Date Filed:
District:	Relationship:	Judge:
Exhibit A  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  Exhibit A is attached and made a part of this petition.	(To be completed whose debts are properties of the attorney for the petitioner of that I have informed the petition chapter 7, 11, 12, or 13 of tittle explained the relief available unthat I delivered to the debtor of Bankruptcy Code.	if debtor is an individual imarily consumer debts.)  named in the foregoing petition, declare that [he or she] may proceed under le 11, United States Code, and have der each such chapter. I further certify he notice required by § 342(b) of the
	X /s/ Saulius V. Modestas Signature of Attorney for Debtor(s)	10/24/09 Date
▼ No  Exh  (To be completed by every individual debtor. If a joint petition is filed, e  ▼ Exhibit D completed and signed by the debtor is attached and many		ch a separate Exhibit D.)
If this is a joint petition:  Exhibit D also completed and signed by the joint debtor is attached.	ned a made a part of this petition.	
		is District for 180 days immediately
☐ There is a bankruptcy case concerning debtor's affiliate, general		
Debtor is a debtor in a foreign proceeding and has its principal p or has no principal place of business or assets in the United States in this District, or the interests of the parties will be served in reg	but is a defendant in an action or pr	oceeding [in a federal or state court]
Certification by a Debtor Who Resid	es as a Tenant of Residential	
	plicable boxes.)	
(Check all app Landlord has a judgment against the debtor for possession of del		
☐ Landlord has a judgment against the debtor for possession of del		

Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
 Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

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filing of the petition.

(This page must be completed and filed in every case)

**Voluntary Petition** 

Doc 1

Filed 10/31/09

Document

Prior Bankruptcy Case Filed Within Last 8 Years (If more than two, attach additional sheet)

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Name of Debtor(s):

Moncur, Viktorija

Desc Main

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Name of Debtor(s):

Moncur, Viktorija

### Signature(s) of Debtor(s) (Individual/Joint)

(This page must be completed and filed in every case)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under Chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United State Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Moncur	\/!!-(!!- M
or	Viktorija Moncui
Debtor	
	Debtor

### Signature of Attorney\*

X /s/ Saulius V. Modestas Signature of Attorney for Debtor(s)

October 24, 2009

**Voluntary Petition** 

Saulius V. Modestas 6278054 Law Offices of Saulius V. Modestas 401 S. Frontage Road Ste. C Burr Ridge, IL 60527

smodestas@modestaslaw.com

### October 24, 2009

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signatur	e of Authoria	ed Individual			
Printed 1	Name of Aut	horized Indivi	dual		
Title of	Authorized I	ndividual			

### Signature of a Foreign Representative

Page 3

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

I request relief in accordance with chapter 15 of title 11, United
States Code. Certified copies of the documents required by 11 U.S.C.
8 1515 are attached

Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the
chapter of title 11 specified in this petition. A certified copy of the
order granting recognition of the foreign main proceeding is attached.

Signature o	f Foreign Repr	resentative		
Printed Na	ne of Foreign l	Representative		
inited i vai	ne or r oreign i	кергезениите		

### **Signature of Non-Attorney Petition Preparer**

I declare under penalty of perjury that: 1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any,	of Bankruptcy	Petition Preparer

Date

Social Security Number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

address	

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

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# Filed 10/31/09 Entered 10/31/09 20:25:59 Document Page 4 of 6 United States Bankruptcy Court

Desc Main

**Northern District of Illinois** 

IN RE:	Case No
Moncur, Viktorija	Chapter 7
Debtor(s)	
EXHIBIT D - INDIVIDUAL DEBTOR' WITH CREDIT COUNSE	
Warning: You must be able to check truthfully one of the five stated so, you are not eligible to file a bankruptcy case, and the court whatever filing fee you paid, and your creditors will be able to re and you file another bankruptcy case later, you may be required to stop creditors' collection activities.	can dismiss any case you do file. If that happens, you will lose sume collection activities against you. If your case is dismissed
Every individual debtor must file this Exhibit D. If a joint petition is file one of the five statements below and attach any documents as directe	
1. Within the 180 days <b>before the filing of my bankruptcy case</b> , the United States trustee or bankruptcy administrator that outlined the performing a related budget analysis, and I have a certificate from the a certificate and a copy of any debt repayment plan developed through	ne opportunities for available credit counseling and assisted me in agency describing the services provided to me. Attach a copy of the
2. Within the 180 days <b>before the filing of my bankruptcy case</b> , the United States trustee or bankruptcy administrator that outlined the performing a related budget analysis, but I do not have a certificate from a copy of a certificate from the agency describing the services provide the agency no later than 15 days after your bankruptcy case is filed.	e opportunities for available credit counseling and assisted me in om the agency describing the services provided to me. You must file
☐ 3. I certify that I requested credit counseling services from an apprdays from the time I made my request, and the following exigent requirement so I can file my bankruptcy case now. [Summarize exigents]	circumstances merit a temporary waiver of the credit counseling
If your certification is satisfactory to the court, you must still obt you file your bankruptcy petition and promptly file a certificate froof any debt management plan developed through the agency. Failt case. Any extension of the 30-day deadline can be granted only fo also be dismissed if the court is not satisfied with your reasons for counseling briefing.	om the agency that provided the counseling, together with a copy ure to fulfill these requirements may result in dismissal of your r cause and is limited to a maximum of 15 days. Your case may
of realizing and making rational decisions with respect to final	reason of mental illness or mental deficiency so as to be incapable ncial responsibilities.); mpaired to the extent of being unable, after reasonable effort, to

5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h)

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ Viktorija Moncur

Active military duty in a military combat zone.

Date: October 24, 2009

does not apply in this district.

### UNITED STATES BANKRUPTCY COURT

# NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

## 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

### 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

### Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

<u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

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1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

# **Chapter 11:** Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

# **Chapter 12:** Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

# 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

Printed Name and title, if any, of Bankruptcy Petition Preparer

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

### Certificate of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor this notice required by  $\S 342(b)$  of the Bankruptcy Code.

Social Security number (If the bankruptcy

Address:	the Social Sec principal, resp the bankrupte	rer is not an individual, state curity number of the officer, consible person, or partner of y petition preparer.)  11 U.S.C. § 110.)
X	(Required by	11 U.S.C. § 110.)
Signature of Bankruptcy Petition Preparer of officer, principal, r partner whose Social Security number is provided above.	esponsible person, or	
Certificate I (We), the debtor(s), affirm that I (we) have received and read to	te of the Debtor his notice.	
Moncur, Viktorija	X /s/ Viktorija Moncur	10/24/2009
Printed Name(s) of Debtor(s)	Signature of Debtor	Date